

IN THE COURT OF SESSION, MANJERI DIVISION

Present:- Sri. Muralee Krishna S., Sessions Judge

Tuesday, the 18th day of October, 2022

CRIMINAL MISCELLANEOUS CASE No. 1078/2022

Crime No.682/2022 of Valanchery Police Station

Between:-

Jayaprakash, S/o. Narayanan, Ganapathiyil
House, Mukkilapeedika, Painkannur Post,
Malappuram District.

} **Petitioner**
Accused

And:-

State of Kerala: Represented by the Sub
Inspector of Police, Valanchery Police Station.

} **Respondent**
Complainant

This petition coming on this day for hearing before me in the presence of **Sri.K Baburaj**, Advocate for the petitioner and of the Public Prosecutor for the respondent, the court passed the following:

ORDER

This is a petition filed u/S. 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in **Crime No.682/2022 of Valanchery Police Station**, registered u/S. 55 (i) of Kerala Abkari Act.

3. The prosecution case is that on 30.9.2022 at about 23-55 hours in a room rented out to one Mundath Parambil Asokan which is situated at Valanchery, the accused was found in possession of 2.600 litres of Indian Made Foreign Liquor and engaged in sale of the same. Thus the accused committed the above offence.

4. Heard both sides and perused the bail objection report of Sub Inspector of Police, Valanchery Police Station.

5. The point for consideration is;

Whether, the petitioner/accused is entitled for bail,
as prayed for?

6. **The Point:-** The learned counsel for the petitioner/accused submitted that the petitioner/accused was arrested on 1.10.2022 and since then, he has been in judicial custody. He has no criminal antecedents. He is innocent of the offence alleged and he is ready to co-operate with the investigation. The learned Public Prosecutor submitted that if this court inclines to

grant bail to the petitioner/accused, there may be strict conditions to prevent him from repeating the offence.

7. From the report of the Investigating Officer, it is gatherable that the contraband article was seized by the Detecting Officer and party. The investigation of the offence is under progress. The petitioner/accused has been in judicial custody from 1.10.2022 onwards. No criminal antecedent is reported against the petitioner/accused. While considering the nature of detection, it is clear that majority of the witnesses in this case would be the police officials themselves. Hence, there is no possibility of tampering with the investigation by influencing the witnesses even if the petitioner/accused is released on bail. Thus, on considering all the above facts and circumstances, I am inclined to grant bail to the petitioner/accused, but by imposing strict conditions. The point answered accordingly.

In the result, the petition is allowed as follows:

1. The petitioner/accused shall be released on bail on his executing a bond for Rs.50,000/- with two solvent

sureties each for the like sum to the satisfaction of the jurisdictional Magistrate.

2. The petitioner/accused shall appear before the Investigating Officer as and when he is directed to do so in writing, till the completion of investigation.

3. The petitioner/accused shall not involve in any other offence, while he is on bail.

4. It is made clear that, in the event of violation of any of the above conditions, the Investigating Officer is at liberty to approach the jurisdictional Court, for cancellation of bail.

(Dictated to the Personal Assistant, transcribed by her, corrected by me and pronounced in open Court on this, the 18th day of October, 2022.)

Sd/-

Sessions Judge

Typed by: Prasanth M S
Compared by: 1.Seema
2.Seena

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Fair/Copy of Order in Crl.M.C.No.1078/2022

Dated : 18-10-2022

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